

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PABLO R. MUNOZ,

Plaintiff,

- against -

CAROLYN W. COLVIN,<sup>1</sup> acting  
Commissioner of Social Security,

Defendant.  
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13-CV-1269 (VSB) (HBP)

**ORDER**

Appearances:

James M. Baker  
Center for Disability Advocacy Rights  
New York, New York  
*Counsel for Plaintiff*

Vernon Norwood  
Social Security Administration  
New York, New York  
*Counsel for Defendant*

VERNON S. BRODERICK, United States District Judge:

Plaintiff Pablo R. Munoz brings this action pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(G), seeking judicial review of a final decision of Defendant the Commissioner of Social Security (the “Commissioner”), denying his applications for disability insurance benefits and supplemental security income benefits. On January 23, 2014, Defendant moved for judgment on the pleadings. (Doc. 20.) On February 20, 2014, Plaintiff moved for judgment on the pleadings. (Doc. 24.) This case was referred to Magistrate Judge Henry B.

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<sup>1</sup> Carolyn W. Colvin, who became the acting Commissioner of Social Security on February 14, 2013, is substituted as the defendant in this action in place of Michael J. Astrue. *See* Fed. R. Civ. P. 25(d).

Pitman for a report and recommendation on the cross-motions. (Doc. 3.) Before me is Judge Pitman's July 21, 2014 Report and Recommendation, which recommends that judgment on the pleadings be granted in favor of Plaintiff.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y.1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days from the service of this Report to file written objections," (Report and Recommendation 43), neither party has filed an objection. I have reviewed Judge Pitman's thorough and well-reasoned Report and Recommendation for clear error and, after careful review of the record, find none. I therefore adopt the Report and Recommendation in its entirety.

Judgment on the pleadings is granted in favor of Plaintiff, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to terminate Docs. 20 and 24, and to enter judgment remanding this case.

SO ORDERED.

Dated: September 10, 2014  
New York, New York

  
Vernon S. Broderick  
United States District Judge